

**386A.5-070 Interested transactions.**

- (1) Each trustee and each person designated pursuant to KRS 386A.1-030(4)(h) owes a duty of loyalty to the statutory trust and any series thereof, including but not limited to the following:
  - (a) To account to the trust or a series thereof and hold as trustee for it any property, profit, or benefit derived in the conduct and winding up of the trust's or series's business or derived from a use of property, including the appropriation of an opportunity, of the trust or a series thereof;
  - (b) To refrain from dealing with the trust in the conduct or winding up of the trust's business as or on behalf of a party having an interest adverse to the trust; and
  - (c) To refrain from competing with the trust or with any series thereof in the conduct of its business before dissolution.
- (2) A person subject to subsection (1) of this section who acts through a related party shall be treated as having acted directly.
- (3) That a transaction was fair to the statutory trust or a series thereof shall not constitute a defense to the breach of the obligation in subsection (1) of this section.

**Effective:** July 12, 2012

**History:** Created 2012 Ky. Acts ch. 81, sec. 39, effective July 12, 2012.